

# **EXHIBIT 5**

## **FILED UNDER SEAL**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC; OTTO  
TRUCKING LLC,

Defendants.

Case No.

3:17-cv-00939-WHA

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY  
VIDEOTAPED DEPOSITION OF GARY T. BROWN  
San Francisco, California  
Friday, March 24, 2017  
Volume I

Reported by: SUZANNE F. GUDELJ  
CSR No. 5111  
Job No. 2577644  
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1       that?

2           A       Yes.

25       Q       What is network traffic?

12:17:59

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1           A     When activity occurs on devices that are on  
2     Google's corporate network, our sensors pick up  
3     information about that traffic, and those go into  
4     our logs.

5           Q     So what information was picked up about the     12:18:18  
6     downloading of the 14,000 files?

7           A     From the network traffic.   Approximately 10  
8     gigabytes of data was transferred from the IP  
9     address and domain where the subversion server  
10    relies -- resides to the work laptop of Anthony         12:18:46  
11    Levandowski.

12          Q     Did you consider that to be suspicious?

13               MR. HOLMES:   Objection to form.

14               THE WITNESS:   Potentially.

15    BY MR. GONZALEZ:   12:19:04

16          Q     That fact by itself didn't make you to  
17    think -- didn't make you think that he had done  
18    anything improper, did it?

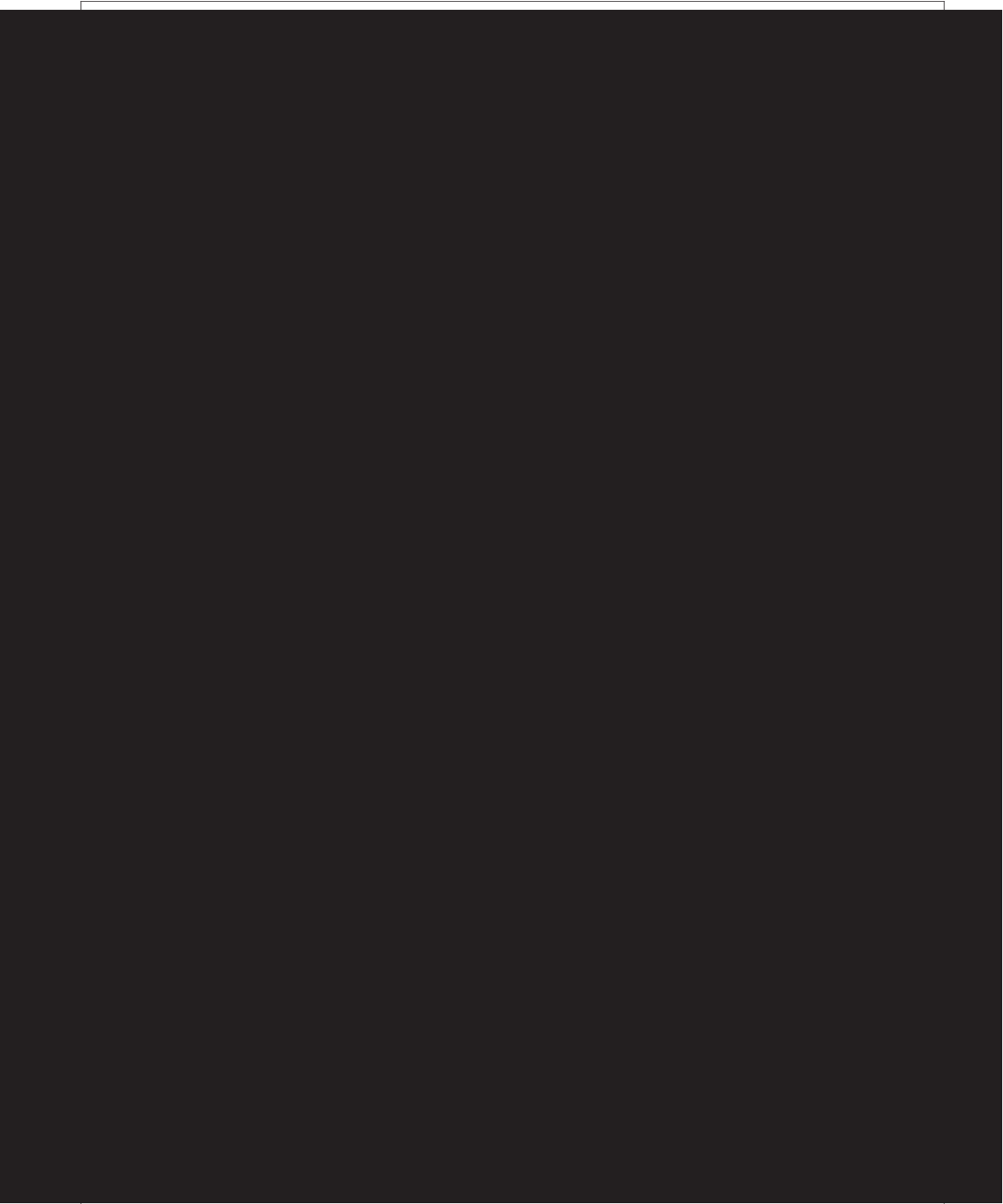
19               MR. HOLMES:   Objection to form.

20               THE WITNESS:   That fact by itself has other     12:19:15  
21    factors around it that do make it suspicious.

22    BY MR. GONZALEZ:

23          Q     Such as?

24          A     Such as the searching for instructions on  
25    how to access that server; such as the appearance of     12:19:27







16 Q With respect to Mr. Kshirsagar, Sameer, you  
17 identify five documents in your declaration in  
18 paragraphs 24 through 28. Do you see that?  
19 A Yes.

1 reader that you want to look at on your computer,  
2 right?

3 MR. HOLMES: Objection to form.

4 THE WITNESS: It's within the realm of  
5 possibility.

12:40:37

6 BY MR. GONZALEZ:







1 I, the undersigned, a Certified Shorthand  
2 Reporter of the State of California, do hereby  
3 certify:

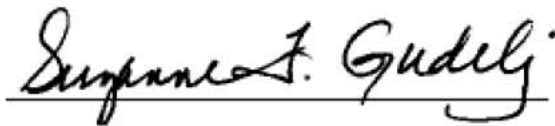
4 That the foregoing proceedings were taken  
5 before me at the time and place herein set forth;  
6 that any witnesses in the foregoing proceedings,  
7 prior to testifying, were duly sworn; that a record  
8 of the proceedings was made by me using machine  
9 shorthand which was thereafter transcribed under my  
10 direction; that the foregoing transcript is a true  
11 record of the testimony given.

12 Further, that if the foregoing pertains to  
13 the original transcript of a deposition in a Federal  
14 Case, before completion of the proceedings, review  
15 of the transcript [ ] was [X] was not requested.

16 I further, certify I am neither financially  
17 interested in the action nor a relative or employee  
18 of any attorney or party to this action.

19 IN WITNESS WHEREOF, I have this date  
20 subscribed my name.

21 Dated: 3/27/17

22   
23

SUZANNE F. GUDELJ

24 CSR No. 5111  
25